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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

J.M.,

Plaintiff,

v.

KRISTI NOEM, *et al.*,

Defendants.

HON. MADELINE COX ARLEO, U.S.D.J.

Civil Action No. 25-2896 (MCA)

**STIPULATION RE: RE-ACTIVATION
OF SEVIS RECORD AND DISMISSAL;
[PROPOSED] ORDER**

It is hereby stipulated, by and between the parties, Plaintiff J.M. and Federal Defendants the Secretary of the U.S. Department of Homeland Security (“DHS”) and Acting Director of U.S. Immigration and Customs Enforcement (“ICE”), by and through their undersigned counsel, as follows:

1. The Student and Exchange Visitor Information System (“SEVIS”) record for Plaintiff in this case has been set back to “active” by the Student and Exchange Visitor Program (“SEVP”) within Homeland Security Investigations (“HSI”) at ICE. The reactivation of the Plaintiff’s SEVIS record is retroactive to the date of its initial termination, April 4, 2025, such that there is no gap or lapse in Plaintiff’s SEVIS

record. Although the event history within Plaintiff's SEVIS record may memorialize whatever modifications are made to the SEVIS account, the effect of this retroactive activation is as though the termination of Plaintiff's SEVIS record did not happen. Defendant DHS will provide a letter to Plaintiff and undersigned counsel explaining that other federal agencies should treat the retroactive activation as though the termination did not happen.

2. To the extent Plaintiff is participating in Optional Practical Training ("OPT"), or Science, Technology, Engineering and Math ("STEM") OPT, or Curricular Practical Training ("CPT"), any authorization end date for OPT, STEM OPT, or CPT will be reset to the end date set forth in Plaintiff's SEVIS record before its termination.

3. ICE will not re-terminate Plaintiff's SEVIS records based solely on the National Crime and Information Center ("NCIC") record that led to the initial termination. ICE maintains the authority to terminate a SEVIS record for other reasons, such as if a student fails to maintain their nonimmigrant status after the record is reactivated, or engages in other unlawful activity as defined at 8 C.F.R. 214.1(g).

4. DHS has not received communication from the Department of State that Plaintiff's visa has been revoked with immediate effect. A visa revocation effective upon departure, known as a prudential revocation, as distinct from a visa revocation which is effective immediately, does not establish removability under INA § 237(a)(1)(B).

5. The termination and reactivation of Plaintiff's SEVIS record by SEVP, as set forth in Paragraph 1 of this Stipulation, will not, in itself, have a negative impact on the adjudication of any benefit request by DHS, including United States Citizenship and Immigration Services ("USCIS"), Customs and Border Protection (CBP), and/or Immigration and Customs Enforcement (ICE). If, while adjudicating such application or benefit request, DHS finds that an F-1 nonimmigrant's SEVIS record was terminated and then reactivated by ICE, DHS will continue processing the benefit request according to all applicable laws, regulations, policies, and procedures.

6. In the event USCIS issues a request for evidence, notice of intent to deny, or denial based in whole or part on the termination and reactivation of Plaintiff's SEVIS record, counsel for Defendant agrees to cooperate with Plaintiff's counsel to ensure USCIS is aware of this Stipulation and its terms in connection with its consideration or reconsideration of Plaintiff's benefits request.

7. Federal Defendants shall communicate this Stipulation to the Department of State.

8. Plaintiff shall dismiss this action with prejudice.

[Signatures appear on following page]

THE LAW OFFICE OF
PAUL O'DWYER, P.C.

By: *Paul O'Dwyer*
PAUL O'DWYER
Attorney for Plaintiff
J.M.

Dated: June 18, 2025

ALINA HABBA
United States Attorney

By: DAVID INKELES Digitally signed by DAVID INKELES
Date: 2025.06.18
08:39:49 -04'00'
DAVID INKELES
Assistant United States Attorney
Attorneys for the Federal Defendants

Dated: 6/18/25

SO ORDERED:

HON. MADELINE COX ARLEO, U.S.D.J.
UNITED STATES DISTRICT JUDGE

Dated: